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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 \_\_\_\_\_ ) CASE NO. MJ09-501  
In re Material Witness: )  
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10 )  
11 ) DETENTION ORDER - Material  
Witness  
12 )  
MARCOS NEWMANN GARCIA, )  
13 \_\_\_\_\_ )

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16 Offense charged:

17 Material Witness (Case No. CR09-0160 JLR)

18 Date of Detention Hearing: Initial Appearance October 20, 2009

19 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f) and  
20 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that  
21 detention is necessary to adequately secure the testimony of the material witness, and to prevent  
22 a failure of justice.

01                    FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02            (1)     Mr. Garcia was arrested on a material witness warrant in the matter of U.S. v.  
03 Humberto A. Reyes-Rodriguez et al., CR 09-160 JLR, upon a finding that it was impracticable  
04 to secure his presence by subpoena. He made his initial appearance in the Eastern District of  
05 California on October 8, 2009 and in this Court on October 20, 2009.

06            (2)     The United States has moved to detain Mr. Garcia pursuant to 18 U.S.C. §3144  
07 for a reasonable period until his deposition can be taken pursuant to the Federal Rules of Criminal  
08 Procedure.

09            (3)     The United States alleges that the defendant is in this country illegally. An  
10 immigration detainer has been filed, posing a risk of nonappearance.

11            (4)     The court finds that further detention is necessary to prevent a failure of justice.  
12 The material witness will be detained until his testimony can adequately be secured.

13 It is therefore ORDERED:

14            (1)     Defendant shall be detained pending the taking of his testimony and committed  
15 to the custody of the Attorney General for confinement in a correction facility  
16 separate, to the extent practicable, from persons awaiting or serving sentences or  
17 being held in custody pending appeal;

18            (2)     Defendant shall be afforded reasonable opportunity for private consultation with  
19 counsel;

20            (3)     On order of a court of the United States or on request of an attorney for the  
21 Government, the person in charge of the corrections facility in which defendant  
22 is confined shall deliver the material witness to a United States Marshal for the

01 purpose of an appearance in connection with a court proceeding or for providing  
02 testimony in connection with a case pending in this court; and

- 03 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
04 counsel for the material witness, and to the United States Marshal.

05 DATED this 20th day of October, 2009.

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08 Mary Alice Theiler  
09 United States Magistrate Judge  
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